APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,589	01/10/2000	Kevin Michael Ruppelt	9D-EC-19348-Ruppelt-et-al	4505

7590 07/28/2005	EXAMINER
John S Beulick	VAN DOREN, BETH
Armstrong Teasdale LLP	

	ART UNIT	PAPER NUMBER
One Metropolitan Square	3623	
Suite 2600		
St Louis, MO 63102		

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/480,589	RUPPELT ET AL.
	Examiner	Art Unit	
	Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 May 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11,13-38,40-75 and 79-81_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11,13-38,40-75 and 79-81_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ~~95002002~~. 10/3/2002

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 04/25/05 has been entered.

2.   The following is a non-final office action in response to the request for continued

examination received on 05/13/05. Claims 1, 19, 28, 46, 55, 64, and 73-75 have been amended.

Claims 12, 39, and 76-78 have been canceled. Claims 1-11, 13-38, 40-75, and 79-81 are now

pending in this application.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-11, 13-38, 40-75 and 79-81 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Customer Support System (CircuitCity.com) in view of Suliman, Jr., et al.

(U.S. 2001/0053980).

4.   As per claim 1, Customer Support System discloses a method of enabling scheduling of a

service call in a computing environment, the method comprising:

obtaining product information regarding a product from a user of the computing

environment (See page 1, sections 2-4, page 3, section 1, page 12, pages 15-16, page 22, sections

1-4, page 23, section 1, wherein product information is received from the user of the computer

environment);

determining whether the product is serviced by a manufacturer of the product or a service

provider different than the manufacturer (See page 1, sections 2-4, page 3, section 1, page 22,

sections 1-4, wherein the user determines via a computing unit whether the product is serviced

by a manufacturer or service provider);

providing to the user, from whom the product information is obtained, at least one

available appointment for scheduling a service call based on the product information and on said

determination made (See page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22,

sections 1-4, page 23, section 1, wherein the user is provided a service call based on the product

information and the determination made concerning the manufacturer).

However, Customer Support System does not expressly disclose determining by a first

computing unit including a web browser or automatically providing the user an appointment

without interaction between the user and any other human being, the automatically providing

including a determination of whether to display the at least one available appointment.

Suliman, Jr., et al. discloses a system that obtains product information regarding a

product from a user of the computing environment (See paragraph 0010-1, 0029, 0037, wherein

product information, including warranty information), determining by a first computing unit

including a web browser warranty, repair and service organization information (See paragraphs

0014, 0027, 0048, 0063, 0076-7, wherein a computer including a web browser compiles and

manipulates data concerning warranty and organizations for repair and service), and

automatically providing the user an appointment without interaction between the user and any

other human being, the automatically providing including a determination of whether to display

the at least one available appointment (See paragraphs 0014, 0027, 0048, 0063, 0076-7, wherein

the user is automatically provided an appointment by the system, the information displayed on

the screen).

Customer Support System teaches a web-enabled tool that allows a user via his

computing device to locate a service provider or manufacturer with which to make an

appointment. The user is provided an appointment after interacting with the service provider or

manufacturer via the telephone. Suliman, Jr., et al. teaches a system by which a user registered

his product and the system automatically communicates with service organizations via the World

Wide Web to provide the user automatically with an appointment for repair or service. This

system maintains product information, such as warranty terms. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to provide the user an

appointment using automated means such as the system of Suliman, Jr., et al. in order to increase

the efficiency of scheduling an appointment by connecting consumers and service organizations

over a network, thus allowing consumers to schedule repair and maintenance "at the touch of a

button" and allowing the service organization (such as a repair shop) to more efficiently prepare

reports. See paragraphs 0014 and 0076.

5.   As per claim 2, Customer Support System discloses wherein the product information

comprises a location of the product and at least one of a product type, a product manufacturer,

and a product model number, and wherein the at least one available appointment is based on the

location of the product (See page 1, sections 2-4, page 3, section 1, page 12, pages 15-16, page 22, sections 1-4, page 23, section 1, wherein product information is received, such as product location and manufacturer, and the appointment is scheduled based on the location).

6.   As per claim 3, Customer Support System discloses wherein the providing comprises selecting the at least one available appointment from at least one possible appointment for at least one service provider (See page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1).

7.   As per claim 4, Customer Support System discloses wherein the providing comprises selecting the at least one available appointment from a plurality of appointments, and wherein the plurality of appointments are associated with a plurality of service providers at a plurality of locations (See page 1, sections 2-4, page 3, page 12, page 22, sections 1-4, page 25, which discloses a plurality of locations at which the appointment can be made).

8.   As per claim 5, Customer Support System discloses wherein the providing comprises determining in real-time the at least one available appointment (See page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1, wherein the user is scheduled for the appointment in real-time).

9.   As per claim 6, Customer Support System discloses wherein the providing comprises determining in real-time the at least one available appointment as unavailable in the event another user has selected the at least one available appointment (See page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1).

10.   As per claim 7, Customer Service Support discloses the user providing product information (See page 1, sections 2-5, pages 3-4, page 12, and page 22, sections 1-2, wherein the

product information is provided). However, Customer Service Support does not expressly

disclose and Suliman, Jr., et al. discloses providing suggested product information to the user for

use by the user in providing product information, the information comprising at least one of a

product type, a product manufacturer, and a product model number (See paragraphs 0055-7,

wherein the registration information is pre-populated or selected from choices in drop down

menus, the information including manufacturer and model).

Customer Support System teaches a web-enabled tool that allows a user enter product

information via his computing device and to locate a service provider or manufacturer. Suliman,

Jr., et al. teaches a system by which a user enters product information in a web-based program,

the product information entered by using pre-populated form or by selecting from choices in

drop down menus form. It would have been obvious to one of ordinary skill in the art at the time

of the invention to suggest product information to the user in order to increase the accuracy of

the data input into the system by forcing consumers to enter data in a predefined and structured

manner. See paragraph 0055-6 of Suliman, Jr., et al.

11.   As per claim 9, Customer Support System discloses providing to the user a suggested

nature of a problem based on the product information (See page 17 and page 23, section 2, which

discloses customer support).

12.   As per claim 10, Customer Support System teaches obtaining one of the at least one

available appointment selected by the user (See page 1, sections 2-4, page 3, section 1, pages 12,

15-16, page 22, sections 1-4, page 23, section 1).

13.   As per claim 11, Customer Support System discloses notifying the service provider of the

one of the at least one available appointment selected by the user (See page 1, sections 2-4, page

3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1, wherein the service

provider is scheduled and performs the service).

14.   As per claim 13, Customer Support System discloses providing to the user at least one

available appointment for scheduling a service call based on the product information (See page

1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1).

However, Customer Support System does not expressly disclose the available appointment

selected by the user being set as unavailable for other users.

        Customer Support System discloses scheduling available technicians for appointments. It

is well known in the art that a service provider is a limited resource and when a service provider

is scheduled for an appointment, he/she is unavailable at that time for another appointment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to make the service call appointment selected by the user unavailable to other users in

order to more efficiently schedule technicians by ensuring that the technicians are not double

booked.

15.   As per claim 14, Customer Support System discloses a method further comprising

validating warranty product information (See page 1, sections 2-4, page 3, section 1, page 22,

sections 1-4, wherein the warranty is validated).

16.   As per claim 15, Customer Support System teaches a method further comprising

obtaining a nature of a problem of the product, and providing do it yourself repair information

based on the nature of the problem (See page 17, page 23, section 2, wherein a technical support

line is disclosed).

17.   As per claim 16, Customer Support System discloses wherein the obtaining the product

information at the first computing unit from input of the product information by the user at a

second computing unit coupled to the first computing unit via a communications network (See

page 1, sections 2-4, page 3, section 1, page 12, pages 15-16, page 22, sections 1-4, page 23,

section 1).

18.   As per claim 17, Customer Support System teaches wherein a communications network

is used that is accessible by either the order taker or the customer as well as the technicians (See

page 1, sections 2-4, page 3, section 1, page 12, pages 15-16, page 22, sections 1-4, page 23,

section 1).

19.   As per claim 18, Customer Support System discloses wherein said service call is for

repair of a home appliance (See page 1, sections 2-4, page 3, section 1, page 12, pages 15-16,

page 22, sections 1-4, page 23, section 1, which discusses a computer).

20.   As per claim 19, Customer Support System teaches a method of enabling scheduling of a

service call for repair of a home appliance in a computing environment, the method comprising:

        obtaining product information regarding a product at a first computing unit from input of

the product information by a user at a second computing unit coupled to the first computing unit

via a communications network (See page 1, sections 2-4, page 3, section 1, page 12, pages 15-16,

page 22, sections 1-4, page 23, section 1, wherein product information is received from the user

of the computer environment);

        determining whether the product is serviced by a manufacturer of the product or a service

provider different than the manufacturer (See at least page 1, sections 2-4, page 3, section 1, page

22, sections 1-4, wherein the user determines via his/her web enabled computing unit whether the product is serviced by a manufacturer or service provider);

providing to the user that input the product information at the second computing unit at least one available appointment for scheduling a service call based on the product information and on said determination made (See page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1, wherein the user is provided a service call based on the product information and the determination made concerning the manufacturer).

However, Customer Support System does not expressly disclose determining by a second computing unit including a web browser or automatically providing the user an appointment without interaction between the user and any other human being, the automatically providing including a determination of whether to display the at least one available appointment.

Suliman, Jr., et al. discloses a system that obtains product information regarding a product from a user of the computing environment (See paragraph 0010-1, 0029, 0037, wherein product information, including warranty information), determining by a second computing unit including a web browser warranty, repair and service organization information (See paragraphs 0014, 0027, 0048, 0063, 0076-7, wherein a computer with a browser compiles and manipulates data concerning warranty and organizations for repair and service), and automatically providing the user an appointment without interaction between the user and any other human being, the automatically providing including a determination of whether to display the at least one available appointment (See paragraphs 0014, 0027, 0048, 0063, 0076-7, wherein the user is automatically provided an appointment by the system, the information displayed on the screen).

Customer Support System teaches a web-enabled tool that allows a user via his

computing device to locate a service provider or manufacturer with which to make an

appointment. The user is provided an appointment after interacting with the service provider or

manufacturer via the telephone. Suliman, Jr., et al. teaches a system by which a user registered

his product and the system automatically communicates with service organizations via the World

Wide Web to provide the user automatically with an appointment for repair or service. This

system maintains product information, such as warranty terms. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to provide the user an

appointment using automated means such as the system of Suliman, Jr., et al. in order to increase

the efficiency of scheduling an appointment by connecting consumers and service organizations

over a network, thus allowing consumers to schedule repair and maintenance "at the touch of a

button" and allowing the service organization (such as a repair shop) to more efficiently prepare

reports. See paragraphs 0014 and 0076.

21.   Claims 20, 21, 22, 23, 24, 25, 26, and 27 recite equivalent limitations to claims 2, 4, 5, 6,

15, 10, 11, and 13, respectively, and are rejected using the same art and rationale applied above.

22.   Claims 28-38 and 40-54 recite equivalent limitations to claims 1-11 and 13-27,

respectively, and are therefore rejected using the same art and rationale relied upon above.

23.   Claims 55-63 recite equivalent limitations to claims 19-27, respectively, and are therefore

rejected using the same art and rationale relied upon above.

24.   Claims 64-72 recite equivalent limitations to claims 19-27, respectively, and are therefore

rejected using the same art and rationale relied upon above.

25.   As per claim 73, Customer Support System teaches wherein said determining whether the

product is serviced comprises determining whether the product is serviced by an authorized

· service provider if the product is not serviced by the manufacturer, the authorized service

provider having agreed with the manufacturer to provide a service similar to that provided by the

manufacturer (See at least page 1, sections 2-4, page 3, section 1, page 22, sections 1-4, wherein

the service provider is an authorized service provider).

26.   Claims 74-75 recite equivalent limitations to claim 73 and are therefore rejected in each

instance using the same art and rationale as applied in the rejection of claim 73.

27.   As per claim 79, Customer Support System teaches a method further comprising a

priority to the service call if the product is out of warranty, wherein said providing a priority

including providing the priority to the service call over a service call corresponding to a product

that is under warranty (See page 1, section 4, wherein those with warranty's with manufacturers

are first asked to contact the manufacturer. Those out of warranty may schedule directly).

28.   As per claim 80, Customer Service System teaches the at least one available appointment

includes at least two available appointments, providing a number of the at least two available

appointments if the product is out of warranty, wherein said providing a number includes

providing the at least two available appointments that are higher in number than a number of at

least one available appointment corresponding to a product under warranty (See page 1, sections

2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1, wherein the

user is provided an appointment).

29.   As per claim 81, Customer Service Support discloses scheduling a service call for a user

(See at least page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page

23, section 1, wherein the user is provided an appointment). Suliman, Jr., et al. teaches a system with a first and second computing unit and automatically providing and scheduling an appointment to the user using stored product information and a repair link located on the networked site (See paragraphs 0014, 0076). Suliman, Jr., et al. further discloses a communication means via the networked system that allows parties, such as the consumer, manufacturer, and service organization, to send messages and communications amongst each other (See paragraphs 0011, 0029, 0039, 0076). However, Customer Service Support and Suliman, Jr., et al. do not expressly disclose the message of a reminder of an appointment that is provided before a time at which the appointment is scheduled.

Providing reminders of appointments was well known in the service industry at the time of the invention. Since the system of Suliman, Jr., et al. is capable of communicating and messaging concerning a service and repair appointment, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a reminder of the service appointment scheduled in Customer Support System in order to more efficiently make appointments with people in disparate locations.

Response to Arguments

30.   Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Frable ("Manage Equipment Maintenance, Replacement with Software") discloses

software that manages information concerning manufacturers and warranties of products.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bvd
July 22, 2005

SUSANNA M. DIAZ
PRIMARY EXAMINER

AU 3623